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U.S. PTO

12.20.01



23932  
PATENT TRADEMARK OFFICE

PATENT APPLICATION  
Docket No.: 58683-00002USPX  
08-890550US

A  
10/023109 pro  
12/14/01  
12/14/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Nielsen JAKOB et al.

For: LISTENING DEVICE

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PATENT APPLICATION TRANSMITTAL LETTER**

Transmitted herewith for filing, please find the following:

1. (XX) The specification of the above-referenced patent application is enclosed herewith (25 page(s) including claim(s) and Abstract).
2. (XX) 4 sheet(s) of:  
   informal drawing(s) is (are) enclosed herewith.  
  X formal drawings are enclosed herewith.
3. ( ) This application is a:  
   Continuation  
   Divisional  
   Continuation-In-Part  
of prior copending parent application  
Serial No. \_\_\_\_\_ filed on \_\_\_\_\_, now pending.  
Please amend the application to insert the following line in the beginning of the specification:  
--This application is a Continuation of prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_, now pending.--

In the event that a petition to extend time under 37 CFR 1.136 is necessary in the parent application to maintain copendency for this application, a petition for an extension of the necessary time to maintain copendency is hereby requested for the parent application and the Commissioner is hereby authorized to debit our Account Number 10-0447 for the necessary fees.

4. (XX) The fees for this application have been calculated and included as shown below (Prior to calculating the fees, please enter any enclosed preliminary amendment.):

|  | NO. FILED    | NO. EXTRA | RATE        | FEE              |
|--|--------------|-----------|-------------|------------------|
| <b>BASIC FEE</b>                               |              |           |             | <b>\$740</b>     |
| <b>TOTAL CLAIMS</b>                            | <b>43-20</b> | <b>23</b> | <b>\$18</b> | <b>414</b>       |
| <b>INDEPENDENT CLAIMS</b>                      | <b>4- 3</b>  | <b>1</b>  | <b>\$84</b> | <b>84</b>        |
| <b>MULTIPLE DEPENDENT CLAIM(S) PRESENTED</b>   |              |           |             | <b>\$280</b>     |
| <b>TOTAL FEES:</b>                             |              |           |             | <b>\$1238.00</b> |
| <b>Deduct one-half of fee for Small Entity</b> |              |           |             | <b>619.00</b>    |
| <b>TOTAL AMOUNT DUE:</b>                       |              |           |             | <b>\$619.00</b>  |

A check in the amount of \$619.00 is enclosed herewith. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447.

Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_. Please charge any deficiency or credit any overpayment to Deposit Account No. \_\_\_\_\_.

5. (XX) An oath or declaration is enclosed herewith that is:

Unsigned

Newly executed per 37 CFR 1.63(a) and (b).

A copy of the executed declaration filed in the prior application upon which priority is based, showing the signature or an indication thereon that it was signed; and:

This application is being filed fewer than all of the inventors named in the prior application and it is requested that the following name or names be deleted from the list of inventors in the prior application for this continuation or divisional application:

The prior application was accorded status under 37 CFR § 1.47 and is accompanied by:

A copy of the decision granting a petition to accord Sec. 1.47 status to the prior application (unless all of the inventors have or legal representatives have filed an oath or declaration to join in the prior application).

A copy of the subsequently executed oath(s) or declaration(s) filed by the inventor(s) or legal

representative(s) that have subsequently joined in the prior application.

6. ( ) The power of attorney for this application:  
 is appointed in the newly executed Oath or Declaration submitted herewith.  
 is appointed by the power of attorney enclosed herewith.  
 remains the same as originally in the parent application.  
 was changed during the prosecution of the parent application and a copy of the change in the power of attorney is enclosed herewith.

7. (XX) The correspondence address for this application shall be:  
Brian D. Walker, Esq.  
Jenkens and Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Ave.  
Dallas, Texas 75202  
 which is a new correspondence address or a change therein.  
 which is the same as originally in the parent application.  
 which is the change in the correspondence address that was filed during the prosecution of the parent application.

8. (XX) Priority is hereby claimed under 35 USC 119 and 172 to the following foreign applications:

| Country       | Serial No.       | Date                 |
|---------------|------------------|----------------------|
| <u>CANADA</u> | <u>2,357,200</u> | <u>SEPT. 7, 2001</u> |
| _____         | _____            | _____                |
| _____         | _____            | _____                |

and:  
 A certified copy of each application is enclosed herewith.  
 A certified copy of each application was filed in prior application Serial No. \_\_\_\_\_.

9. (XX) Applicants, and their assignee(s) if any, assert entitlement to small entity status under 37 CFR 1.27 by this written assertion in accordance with 37 CFR §1.27(c).

10. ( ) A preliminary amendment is enclosed herewith.

11. ( ) An Information Disclosure Statement with Modified PTO Form 1449 and a copy of the cited references are enclosed herewith.

12. ( ) An Assignment of the invention to \_\_\_\_\_ with cover sheet and recordation fee is enclosed herewith for recordation by the Assignment Branch.

13. (XX) The Commissioner is hereby authorized to charge payment, or to credit any overpayment, of the following fees associated with this filing or during the pendency of this application to Deposit Account No. 10-0447.

Any patent application filing fees under 37 CFR 1.16.  
 Any patent application processing fees under 37 CFR 1.17.  
 The issue fee under 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

14. ( ) Other (specify): \_\_\_\_\_  
\_\_\_\_\_

15. (XX) Confirmation Postcard.

Respectfully submitted,



Brian D. Walker  
Reg. No. 37,751

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DO NOT FILE